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November 22, 2021

VIA ECF AND E-MAIL

Hon. Laura Taylor Swain
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Cisco Systems, Inc. v. Synamedia Ltd. f/k/a Triton UK Bidco Limited, Civ. A. No. 1:20-CV-10879-LTS-SN

Dear Judge Swain,

We are counsel to Defendant Synamedia Limited named herein as Synamedia Ltd. f/k/a Triton UK Bidco Limited in the above-referenced matter. We write in response to Plaintiff Cisco Systems, Inc. Notice of Motion for Leave to File an Amended Complaint (ECF No. 56) (the “Notice”) and to correct the record of the parties’ communications as described therein.

For the avoidance of doubt, Synamedia does not oppose Cisco’s motion for leave to file an amended complaint.

Cisco’s assertions that Synamedia “would not commit to a final position” and that “[c]ounsel for Cisco repeatedly followed up” (ECF No. 56) are inaccurate. Cisco informed Synamedia on November 3, 2021 that it intended to file a motion seeking leave to file an amended complaint. During a meet and confer on discovery issues held two days later, we informed Cisco’s counsel that Synamedia did not intend to oppose, but that we did want to understand Cisco’s view as to how its proposed amended complaint and substitution of parties would affect the parties’ prior discovery requests and responses. Cisco provided its view in writing the next business day, at which point we considered the matter closed. Synamedia heard nothing further from Cisco regarding its proposed motion for leave to amend for ten days. Mid-afternoon on November 18, 2021, Cisco purported to ask for “Synamedia’s final position and whether it will oppose the motion,” but Cisco did not even give Synamedia a full 24 hours to respond before filing its motion papers early in the afternoon on November 19, 2021. If Cisco had given Synamedia a reasonable amount of time to respond to their November 18, 2021 email, we would have reconfirmed that we will not oppose the motion.

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Respectfully submitted,

/s/ Rebecca L. Martin

Rebecca L. Martin